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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION

MEDIATEK INC.

Plaintiff,

v.

FREESCALE SEMICONDUCTOR, INC.

Defendant.

Civil Action No. 4:11-cv-05341 (YGR) [PROPOSED] ORDER REGARDING **DISCOVERY EXCERPTS**

Hon. Yvonne Gonzalez Rogers

Upon consideration of plaintiff MediaTek Inc. (MediaTek) and defendant Freescale Semiconductor, Inc.'s (Freescale) Revised Joint List of Discovery Excerpts, this Court rules as follows:

MEDIATEK'S LIST OF DISCOVERY EXCERPTS

Exhibit 3 – Noam Efrati (June 27, 2013)

No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections
P.136	111:11- 112:11; 112:14-24; 113:2-8		216:13-19; 216:25- 217:12; (214:8-216:8 also counter- designated to support "all four of those potential scenarios") (counter for 112:16- 24; 113:2-3)	Beyond the scope of designation, not needed for completeness; FRE 403; Leading; Hearsay
P.145	138:11-18; 138:20-139:1; 139:4-7		216:13-19; 216:25- 217:12; (214:8-216:8 also counter- designated to support "all four of those potential scenarios") (counter for 138:20- 139:1)	Beyond the scope of designation, not needed for completeness; FRE 403; Leading; Hearsay

1	COURT'S RULINGS:						
	P.136,	216:13-19	Overruled				
2	P.145						
3	P.136,	216:25-217:12	Overruled				
	P.145						
4	P.136,	214:8-216:8	Overruled				
-	P.145						
5							

Exhibit 6 – David Orris (June 26, 2013)

No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections
P.302	21:17-22:24		30:15; 30:18-19; 30:22-23; 30:25; 31:3- 4; 31:8-9; 31:12; 148:15-22	Beyond the scope of designation, not needed for completeness; vague; ambiguous; relevance; prejudice; hearsay
P.308	29:24-30:1; 30:3	Foundation	30:15; 30:18-19; 30:22-23; 30:25; 31:3- 4; 31:8-9; 31:12; 148:15-22	Beyond the scope of designation, not needed for completeness; vague; ambiguous; relevance; prejudice; hearsay
		COURT'S	S RULINGS:	
P.308	29:24-30:1; 30:3		This objection was not previously made and Page 29 has not been provided to the Court. See Dkt. 517-1. Therefore, it is tentatively denied. MediaTek shall provide evidence of foundation by Wednesday, July 9, 2014 with Page 29.	
P.302, P.308	30:15		overruled on all other can be used by Freesca	ection regarding scope; grounds and therefore le separately in its own of evidence.
P.302, P.308	30:18-19		Sustained as to the obj overruled on all other can be used by Freesca	ection regarding scope; grounds and therefore le separately in its own of evidence.
P.302, P.308	3	80:22-23	overruled on all other	ection regarding scope; grounds and therefore lle separately in its own

[PROPOSED] ORDER RE: DISCOVERY EXCERPTS

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1 2	No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections	
3				presentation	of evidence.	
	P.302,		30:25	Sustained as to the obje	ection regarding scope;	
4	P.308				grounds and therefore	
5				can be used by Freesca		
				presentation		
6	P.302,		31:3-4	•	ection regarding scope;	
_	P.308				grounds and therefore	
7				can be used by Freesca		
8	D 202		21.0.0	presentation of evidence.		
	P.302,		31:8-9		ection regarding scope;	
9	P.308				grounds and therefore	
				can be used by Freesca		
10	D 202		21.12	1	of evidence.	
11	P.302,		31:12		ection regarding scope;	
11	P.308				grounds and therefore	
12				can be used by Freesca presentation		
	P.302,	1.	48:15-22	1		
13	P.302, P.308	14	+0.13-22		ection regarding scope; grounds and therefore	
14	F.308			can be used by Freesca		
14				presentation		
15				presentation	or evidence.	

Exhibit 8 – Changhae Park (September 30, 2013)

No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections
P.346	62:25-63:13	FRE 401/402; FRE 403	64:15-18; 65:2-66:4; 67:2-11; 67:25-68:4; 68:7-17; 94:7-11;	
P.347	64:10-14	FRE 401/402; FRE 403	64:15-18; 65:2-66:4; 67:2-11; 67:25-68:4; 68:7-17; 94:7-11;	
P.348	77:6-18; 77:21-23; 77:25-78:6	Incomplete hypothetical (objection to 77:15- 18; 77:22-23; 78:4- 5); FRE 401/402; FRE 403; FRE 701 (objection to 77:15- 18; 77:21-23; 77:25- 78:6)		

[PROPOSED] ORDER RE: DISCOVERY EXCERPTS

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1	P.351	80:19-21	FRE 401/402; FRE 403		
2	P.353	87:7-17	FRE 401/402; FRE		
3	P.354	99:3-11	403 FRE 401/402; FRE	99:12-14; 100:19-24;	
4			403	101:9-15; 101:17-20; 101:23-102:6; 102:17- 103:11; 103:18-22 ¹	
5 6	P.355	99:15-100:11	FRE 401/402; FRE 403	103:11, 103:18-22 100:19-24; 101:17-20; 101:23-102:6; 102:17- 103:11; 103:18-22	
7	P.356	111:15-113:6	FRE 401/402; FRE 403	113:7-8	
8				S RULINGS:	
0	P.346	62	:25-63:13		
9				Over	ruled
10	P.347	6	54:10-14	Over	mula d
	P.348	7	7.15 10	Overruled Overruled on all grounds but reserve on FRE	
11		77:15-18		701 objection.	
12	P.348	77:21-23		_	nds but reserve on FRE jection.
13	P.348	77:25-78:6		Overruled on all groun	nds but reserve on FRE jection.
14	P.351	8	0:19-21	Overruled on all groun	nds but reserve on FRE jection.
15	P.353		87:7-17	701 00	jeetion.
16				Susta	ained
17	P.354	9	99:3-11		equires the referenced ed to the Court no later
18				than July	9, 2014.
19	P.355	99:15-100:11			equires the referenced ed to the Court no later
20				I -	9, 2014.
21	P.356	111	1:15-113:6	Reserve. The Court r	equires the referenced
22				Exhibit 6 to be provide	ed to the Court no later 9, 2014.
23				than July	, 2017.
24				1	

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¹ For those counter designations in italic typeface, the parties agree that those counter designations are to be counted against the counter designating party's trial time

Exhibit 9 – Andrew Percy (June 7, 2013)

2	No.	MediaTek	Freescale	Freescale	MediaTek
3		Designations	Objections	Counter Designations	Objections
4	P.369	28:22-30:8		28:22-29:4 ; 33:6-8;	(35:1-11, 41:9-42:5,
5				35:1-11; 41:9-42:5;	66:9-22) Beyond the
3				66:9-22	scope of designation,
6					not needed for completeness; FRE
7					401/402; FRE 403
0	P.370	31:11-17		28:22-29:4; 33:6-8;	(35:1-11, 41:9-42:5,
8				35:1-11; 41:9-42:5; 47:5-7; 47:9; 47:11-14;	47:5-7, 47:9, 47:11-
9				66:9-22	14, 66:9-22) Beyond the scope of
10					designation, not
10					needed for
11					completeness; FRE
12	D 272	22 0 12		20 22 20 4 22 6 0	401/402; FRE 403
12	P.372	32:8-13		28:22-29:4; 33:6-8; 35:1-11; 41:9-42:5;	(35:1-11, 41:9-42:5, 66:9-22) Beyond the
13				66:9-22	scope of designation,
14					not needed for
					completeness; FRE
15					401/402; FRE 403
16	P.373	32:18-20; 32:23-		28:22-29:4; 33:6-8 ;	(35:1-11, 41:9-42:5,
17		33:5		35:1-11; 41:9-42:5;	66:9-22) Beyond the
1 /				66:9-22	scope of designation,
18					not needed for completeness; FRE
19					401/402; FRE 403
	P.382	41:23-42:14		28:22-29:4; 33:6-8;	(33:6-8, 35:1-11,
20				35:1-11; 41:9-42:5 ;	66:9-22) Beyond the
21				66:9-22	scope of designation,
					not needed for completeness; FRE
22					401/402; FRE 403
23	P.386	52:17-19		28:22-29:4; 33:6-8;	(33:6-8, 35:1-11,
				35:1-11; 41:9-42:5;	41:9-42:5, 66:9-22)
24				66:9-22	Beyond the scope of
25					designation, not
26					needed for completeness; FRE
26					401/402; FRE 403
27					,

1				RULINGS:	
2	P.382,	33:	6-8	Over	ruled
	P.386 P.369,	35:1	11	Overi	mlad
3	P.369, P.370,	33:1	-11	Oven	uied
4	P.372,				
4	P.373,				
5	P.382,				
6	P.386	41.0	40.5		1 1
	P.369, P.370,	41:9-	-42:5	Overi	ruled
7	P.372,				
8	P.373,				
	P.386				
9	P.370	47:	5-7	Sustained as to the obje	
10				overruled on all other	
				can be used by Freescal	
11	P.370	47	:9	Sustained as to the obje	
12		17.5		overruled on all other grounds and therefore	
10				can be used by Freescale separately in its own	
13	D 070			presentation	
14	P.370	47:11-14		Sustained as to the objection regarding scope; overruled on all other grounds and therefore	
1.5				can be used by Freescal	
15				presentation	
16				•	
17	P.369,	66:9	9-22	Susta	ined
1 /	P.370,				
18	P.372, P.373,				
19	P.386				
	P.378	37:8-12		58:12-59:7; 59:19-23;	Beyond the scope of
20				60:10-61:11	designation, not
21					needed for
					completeness; FRE
22	P.387	54:22-56:2		58:12-59:7; 59:19-23;	401/402; FRE 403 Beyond the scope of
23	1.507	31.22 30.2		60:10-61:11	designation, not
					needed for
24					completeness; FRE
25					401/402; FRE 403
26	1				

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5 [PROPOSED] ORDER RE: DISCOVERY EXCERPTS

1	COURT'S RULINGS:				
2 3	P.378, P.387	58:12-59:7	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.		
4			-		
•	P.378,	59:19-23	Sustained as to the objection regarding scope;		
5	P.387		overruled on all other grounds and therefore		
6			can be used by Freescale separately in its own presentation of evidence.		
7	P.378,	60:10-61:11	Sustained as to the objection regarding scope;		
8	P.387		overruled on all other grounds and therefore		
9			can be used by Freescale separately in its own presentation of evidence.		
10					

Exhibit 11 – Allen Wagner (June 28, 2013)

No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections
P.471	57:1-58:2		58:3-4; 58:7 (counter for 57:17-58:2)	Relevance; Beyond the scope of designation, not needed for completeness; speculative; FRE 403
P.537	127:6-128:10		149:5-150:2 (counter for 128:5-10)	Beyond the scope of designation, not needed for completeness
P.539	129:16-130:8; 130:10		149:5-150:2 (counter for 129:25-130:8; 130:10)	Beyond the scope of designation, not needed for completeness
P.540	130:11-13; 130:16		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.541	130:17-20; 130:23-24		149:5-150:2	Beyond the scope of designation, not needed for completeness

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[PROPOSED] ORDER RE: DISCOVERY EXCERPTS

1	P.542	130:25-131:2;	149:5-150:2	Beyond the scope of
2		131:5		designation, not needed for
2				completeness
3	P.543	131:6-7;	149:5-150:2	Beyond the scope of
4	1.515	131:10-12	117.5 130.2	designation, not
4				needed for
5				completeness
6	P.545	133:10-134:1	149:5-150:2	Beyond the scope of
6				designation, not
7				needed for
	P.553	147:5-22;	149:5-150:2	completeness
8	F.333	147.3-22,	149.3-130.2	Beyond the scope of designation, not
9		177.23		needed for
				completeness
10	P.554	148:1-5	149:5-150:2	Beyond the scope of
11				designation, not
				needed for
12	D 7 60	1.02.10.10.10	140 7 170 0	completeness
13	P.562	163:10-164:3	149:5-150:2	Beyond the scope of
13		164:6		designation, not needed for
14				completeness
15	P.563	164:7-10;	149:5-150:2	Beyond the scope of
13		164:13		designation, not
16				needed for
17				completeness
1 /	P.564	164:14-16;	149:5-150:2	Beyond the scope of
18		164:19		designation, not needed for
10				completeness
19	P.565	164:20-21;	149:5-150:2	Beyond the scope of
20	1.505	164:24;	1.5.5 150.2	designation, not
21		165:1-2		needed for
21				completeness
22	P.567	165:3-5;	149:5-150:2	Beyond the scope of
22		165:8-9		designation, not
23				needed for
24				completeness
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7
[PROPOSED] ORDER RE: DISCOVERY EXCERPTS

1		COURT'S RULINGS:				
	P.471	58:3-4; 58:7	Overruled			
2	P.537,	149:5-150:2	Sustained			
3	P.539-					
	543,					
4	P.545,					
•	P.553,					
5	P.554,					
_	P.562-					
6	565,					
7	P.567					
6 7	565,					

Exhibit 12 – Glen Wienecke (June 27, 2013)

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11	No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections
12	P.659	35:10-18;	Scope of Case		
13		35:22-36:25	(objection to 35:16-18; 35:22-		
14	P.665	44:4-14;	24)	46:1-11; 167:18-168:23	(46:1-11) Beyond the
15	1.003	44:16-17		40.1 11, 107.10 100.23	scope of designation, not needed for
16					completeness;
17					Speculative; Improper expert opinion;
18					(167:18-168:23)
					Beyond the scope of
19					designation, not needed for
20					completeness
21	P.667	44:24-25;		45:15-46:11; 167:18-	(45:15-46:11) Beyond the scope of
21		45:2-14		168:23	designation, not
22					needed for
23					completeness;
23					Speculative; Improper expert opinion;
24					(167:18-168:23)
25					Beyond the scope of
23					designation, not needed for
26					completeness

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28 CASE NO. 4:11-cv-05341-YGR

8 [PROPOSED] ORDER RE: DISCOVERY EXCERPTS

	COURT'S RULINGS:				
P.659	35:16-18; 35:22-24	Overruled			
P.665	46:1-11	Sustained			
P.667	45:15-46:11	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.			
P.665, P.667	167:18-168:23	Overruled			

FREESCALE'S LIST OF DISCOVERY EXCERPTS

Exhibit 14 – Kenneth Obuszewski (June 25, 2013)

11		Exhibit 14 – Kenneth Obuszewski (June 25, 2013)				
12	No.	Freescale Designations	MediaTek Objections	MediaTek Counter Designations	Freescale Objections	
13	D15	42:6-43:1;	(42:6-43:1)	37:3-10; 37:16-38:13;		
14		43:13-14; 43:21-23	Hearsay (43:13-14; 43:21-23) Hearsay,	39:10-12; 39:21-24; 40:6-41:1; 41:7-9		
15			relevance, unfair prejudice, FRE			
16			106			
17	D16	65:23-66:6	Hearsay			
1/	D17	67:23-68:22	Hearsay			
18		COURT'S RULINGS:				
19	D15	42:6-43:1		Overruled		
20	D15	43:13-14		Overruled		
21	D15	43:21-23		Overruled		
22	D16	65:23-66:6		Overruled		
23	D17	67:23-68:22		Overruled		
24				L		

[PROPOSED] ORDER RE: DISCOVERY EXCERPTS

CASE NO. 4:11-cv-05341-YGR

Exhibit 15 – M. H. Shieh (August 1 & 2, 2013)

No.	Freescale Designations	MediaTek Objections	MediaTek Counter Designations	Freescale Objections	
D21	19:1-10; 19:22-20:6		(counters for 19:1-10; 19:22-20:6) 43:24-25; 44:6-7; (counter for 19:22-20:6) 20:16-22	FRE 401/402; FRE 403; Order (Dkt. No. 443); Outside the scope (all objections to 43:24-25; 44:6-7)	
	COURT'S RULINGS:				
D21	43:24-25; 44:6-7		Sustained as to the objection regarding scope; otherwise reserve.		

IT IS SO ORDERED.

Dated: July 7, 2014.

UNITED STATES DISTRICT COURT JUDGE